**BAKER & HOSTETLER LLP** 

45 Rockefeller Plaza

New York, New York 10111 Telephone: (212) 589-4200 Facsimile: (212) 589-4201

David J. Sheehan, Esq.

Email: dsheehan@bakerlaw.com

Marc Hirschfield, Esq.

Email: mhirschfield@bakerlaw.com

Keith R. Murphy, Esq.

Email: kmurphy@bakerlaw.com

Attorneys for Irving H. Picard, Esq., Trustee for the Substantively Consolidated SIPA Liquidation of Bernard L. Madoff Investment Securities LLC and Bernard L. Madoff

# UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

	_
SECURITIES INVESTOR PROTECTION	
CORPORATION,	
	Adv. Pro. No. 08-01789 (BRL)
Plaintiff,	, ,
• • • •	SIPA Liquidation
V.	
··	(Substantively Consolidated)
BERNARD L. MADOFF INVESTMENT	(Substantivery Consolidated)
SECURITIES LLC,	
SECURITIES LEC,	
Defendant.	
In re:	
BERNARD L. MADOFF,	
Debtor.	

# NOTICE OF AGENDA FOR MATTERS SCHEDULED FOR HEARING ON FEBRUARY 7, 2011 AT 2:00 P.M.

#### **CONTESTED MATTER**

# Picard v. Richard I. Stahl; Adv. Pro. No. 10-3268

2. Motion for Preliminary Injunction / Memorandum Of Law In Support Of Trustee's Application For Enforcement Of Automatic Stay And Preliminary Injunction filed by

David J. Sheehan on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC (Filed: 5/27/2010) [Docket No. 2]

#### **Related Documents:**

- A. Affidavit of Matthew Cohen in Support of Trustee's Application for Enforcement of Automatic Stay and Preliminary Injunction (related document 2) filed by David J. Sheehan on behalf of Irving H. Picard (without exhibits) (Filed: 5/27/2010) [Docket No. 3]
- B. Affidavit of David J. Sheehan in Support of Trustee's Application for Enforcement of Automatic Stay and Preliminary Injunction (related document 2) filed by David J. Sheehan on behalf of Irving H. Picard (without exhibits) (Filed: 5/27/2010) [Docket No. 6]
- C. Order to Show Cause signed on 5/28/2010 regarding Motion for Enforcement of the Automatic Stay and Preliminary Injunction (related documents 1, 2) filed by Monica Saenz De Viteri [for Judge Burton R. Lifland] (Filed: 5/28/2010) [Docket No. 8]
- D. Affidavit of Service of Order to Show Cause, Complaint, Memorandum of Law in Support of Trustee's Application for Enforcement of Automatic Stay and Preliminary Injunction and Affidavits in Support (related documents 1, 2, 3, 6, 7, 8) filed by David J. Sheehan on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC (Filed: 6/3/2010) [Docket No. 10]

Objection Deadline: June 30, 2010

## Objections Filed:

- E. Opposition to Trustee's Application for Enforcement of Automatic Stay and Preliminary Injunction (related document 2) filed by Steven N. Williams on behalf of Daniel Ryan and Theresa Ryan, individually and on behalf of the Ryan Trust, Donna McBride, individually and derivatively on behalf of Beacon Associates LLC II, Jay Wexler, individually and derivatively on behalf of Rye Select Broad Market Prime Fund, L.P., Matthew Greenberg, Walter Greenberg and Doris Greenberg, individually and on behalf of the estate of Leon Greenberg (Filed: 6/30/2010) [Docket No. 14]
- F. Opposition Brief to Trustee's Application for Enforcement of the Automatic Stay and Preliminary Injunction (related document 2) filed by Dale E. Barney on behalf of Ellen Lautenberg, Joshua S. Lautenberg, The Lautenberg Foundation (Filed: 6/30/2010) [Docket No. 15]

300142563.2

- G. Memorandum of Law in Opposition to the Trustee's Application for Enforcement of Automatic Stay and Preliminary Injunction filed by Jonathan A. Selva on behalf of Reed Abend, Richard I. Stahl (Filed: 6/30/2010) [Docket No. 16]
- H. Declaration of Adam D. Mitzner in Opposition to the Trustee's Application for enforcement of Automatic Stay and Preliminary Injunction filed by Jonathan A. Selva on behalf of Reed Abend, Richard I. Stahl (Filed: 6/30/2010) [Docket No. 17]
- I. Affidavit of Service of the Memorandum of Law of Reed Abend and Richard I. Stahl filed by Jonathan A. Selva on behalf of Reed Abend, Richard I. Stahl (Filed: 6/30/2010) [Docket No. 18]
- J. Affidavit of Service of the Memorandum of Law of Reed Abend and Richard Stahl in Opposition to the Trustee's Application for Enforcement of Automatic Stay and Preliminary Injunction and the Declaration of Adam D. Mitzner filed by Jonathan A. Selva on behalf of Reed Abend, Richard I. Stahl (Filed: 6/30/2010) [Docket No. 21]
- K. Affidavit of Service of the Memorandum of Law and Declaration of Adam D. Mitzner in Opposition to the Trustee's Application for Enforcement of Automatic Stay and Preliminary Injunction filed by Jonathan A. Selva on behalf of Reed Abend, Richard I. Stahl (Filed: 7/7/2010) [Docket No. 23]
- L. Opposition to Trustee's Application for Enforcement of Automatic Stay and Preliminary Injunction (related document 2) filed by Javier Bleichmar on behalf of Matias Erausquin, Enrique Erausquin, Liliana Controne and Yolanda Frischknecht on behalf of themselves and those they purport to represent (Filed: 6/30/2010) [Docket No. 19]
- M. Certificate of Service (related document 19) filed by Javier Bleichmar on behalf of Matias Erausquin, Enrique Erausquin, Liliana Controne and Yolanda Frischknecht on behalf of themselves and those they purport to represent (Filed: 6/30/2010) [Docket No. 22]
- N. Opposition to Trustees Application for Enforcement of Automatic Stay and Preliminary Injunction (related document 2) filed by Neville Seymour Davis on behalf of himself and those he purports to represent (Filed: 6/30/2010) [Docket No. 20]
- O. Opposition to the Trustee's Application for Enforcement of the Automatic Stay and Preliminary Injunction by the Retirement Program for Employees of the Town of Fairfield, the Retirement Program for Officers and Firemen of the Town of Fairfield and the Town of Fairfield filed by Elizabeth Austin on behalf of The Town of Fairfield Filed: (7/8/2010) [Docket No. 24]

300142563.2 - 3 -

Reply Deadline: August 17, 2010

## Reply Filed:

- P. Reply Memorandum Of Law In Support Of Trustee's Application For Enforcement Of Automatic Stay And Preliminary Injunction (related document 2) filed by David J. Sheehan on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC (Filed: 8/17/2010) [Docket No. 30]
- Q. Affidavit of Keith R. Murphy in Support of the Trustee's Reply in Support of His Application for Enfocement of the Automatic Stay and Preliminary Injunction (related document 30) filed by David J. Sheehan on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC (without exhibits) (Filed: 8/17/2010) [Docket No. 31]
- R. Affidavit of Service of Reply Memorandum of Law in Support of Trustee's Application for Enforcement of the Automatic Stay; and Affidavit of Keith R. Murphy in Support of the Trustee's Reply (related documents 31, 30) filed by Keith R. Murphy on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC (Filed: 8/17/2010) [Docket No. 32]

#### Additional Filings:

- S. Notice of Adjournment of Hearing on the Trustee's Application for Enforcement of Stay and Preliminary Injunction and of the Pre-trial Conference to January 27, 2011 (related documents 2) filed by Keith R. Murphy on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC (Filed: 9/30/2010) [Docket No. 33]
- T. So Ordered Stipulation signed on 1/24/2011 Between Matias Erausquin, Enrique Erausquin, Liliana Controne and Yolanda Frischknecht, on behalf of themselves and those they purport to represent and Irving H. Picard, Trustee for the Substantively Consolidated SIPA Liquidation of Bernard L. Madoff Investment Securities LLC and the Estate of Bernard L. Madoff. regarding dismissal and amendment of caption (Filed: 1/25/2011) [Docket No. 34]
- U. Letter *to* Judge Lifland dated January 20, 2011 providing an update of the various related actions filed by Keith R. Murphy on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC (Filed: 1/26/2011) [Docket No. 35]
- V. So Ordered Stipulation signed on 1/26/2011 Between Neville Seymour Davis, on behalf of himself and those he purports to represent and Irving H. Picard, Trustee for the Substantively Consolidated SIPA Liquidation of Bernard L. Madoff Investment Securities LLC and the Estate of Bernard L. Madoff regarding dismissal and amendment of caption (Filed: 1/26/2011) [Docket No. 36]

300142563.2 - 4 -

- W. Letter to Judge Lifland re: Rescheduling of Hearing on the Trustee's Application for Enforcement of the Automatic Stay and Preliminary Injunction filed by Michael R. Griffinger on behalf of Ellen Lautenberg, Joshua S. Lautenberg, The Lautenberg Foundation (Filed: 1/28/2011) [Docket No. 37]
- X. Letter to Judge Lifland in response to Michael Griffinger's letter to the Court dated January 28, 2011 (related document 37) filed by Keith R. Murphy on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC (Filed: 1/31/2011) [Docket No. 38]
- Y. Notice of Adjournment of Hearing regarding the Trustee's Application for Enforcement of Stay and Preliminary Injunction and of the Pre-Trial Conference to February 2, 2011 at 10:00 A.M. filed by Keith R. Murphy on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC (Filed: 1/31/2011) [Docket No. 40]
- Z. Notice of Adjournment of Hearing regarding the Trustee's Application for Enforcement of Stay and Preliminary Injunction and of the Pre-Trial Conference to February 7, 2011 at 10:00 A.M. filed by Keith R. Murphy on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC (Filed: 2/1/2011) [Docket No. 41]
- AA. Amended Notice of Adjournment of Hearing regarding the Trustee's Application for Enforcement of Stay and Preliminary Injunction and of the Pre-Trial Conference to February 7, 2011 at 2:00 P.M. filed by Keith R. Murphy on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC (Filed: 2/1/2011) [Docket No. 42]
- BB. Affidavit of Service of Notice of Adjournment of Hearing regarding the Trustee's Application for Enforcement of Stay and Preliminary Injunction and of the Pre-Trial Conference to February 2, 2011 at 10:00 A.M. (related document 40) filed by Keith R. Murphy on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC (Filed: 2/1/2011) [Docket No. 43]
- CC. Affidavit of Service of Notice of Adjournment of Hearing regarding the Trustee's Application for Enforcement of Stay and Preliminary Injunction and of the Pre-Trial Conference to February 7, 2011 (related document 41) filed by Keith R. Murphy on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC (Filed: 2/2/2011) [Docket No. 44]

300142563.2

Status: This matter is going forward.

Dated: New York, New York February 4, 2011 Respectfully submitted,

/s/ Marc E. Hirschfield

**BAKER & HOSTETLER LLP** 

45 Rockefeller Plaza

New York, New York 10111 Telephone: (212) 589-4200 Facsimile: (212) 589-4201

David J. Sheehan, Esq.

Email: dsheehan@bakerlaw.com

Marc Hirschfield, Esq.

Email: mhirschfield@bakerlaw.com

Keith R. Murphy, Esq.

Email: kmurphy@bakerlaw.com

Attorneys for Irving H. Picard, Esq., Trustee for the Substantively Consolidated SIPA Liquidation of Bernard L. Madoff Investment Securities LLC And Bernard L. Madoff

300142563.2